S.B. CRIMINAL JAIL APPEAL NO. 611/2007

Lalit @ Lallu Vs. State of Rajasthan

DATE OF ORDER : 5.12.2007

HON'BLE MR. GOVIND MATHUR, J.

Mr. Rajesh Bhati, for the appellant/s.
Mr. V.R. Mehta, Public Prosecutor.

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This appeal under Section 374 Cr.P.C. is preferred to challenge the judgment dated 17.11.2006 convicting the appellant for commission of an offence punishable under Section 224 IPC and sentencing him to undergo a rigorous imprisonment for two years.

In brief, facts of the case are that the appellant while under a valid custody at Central Jail, Bikaner was sent to Barnala (Punjab) alongwith two guards to attend court proceedings. During transit the accused-appellant escaped the lawful custody and thus was adjudicated for commission of offence under Sections 328 and 224 IPC. Learned trial court acquitted the accused from the charge of the offence punishable under Section 328 IPC but found him guilty for the offence punishable under Section 224 IPC and sentenced him by the order impugned.

The contention of learned counsel for the appellant is that the adequate evidence was not available to prove the intentional escape of the appellant from the valid custody.

I have examined the entire record and also the evidence available. It is not at all in dispute that on the fateful day the accused-appellant was taken from Central Jail, Bikaner to Barnala (Punjab) and in between the railway stations of Bhatinda and Hanumangarh he escaped from valid custody of the guards who were accompanying him. The fact relating to escaping is not even denied by the appellant. I am convinced that the finding given by the trial court is based on adequate evidence and the appellant was rightly found guilty for commission of offence punishable under Section 224 IPC. It is further relevant to note that at present the appellant is undergoing conviction at Central Jail, Bikaner in certain other cases relating to Narcotic Drugs and Psychotropic Substances Act.

The appeal, therefore, is having no merit and the same is dismissed. The order passed by the trial court is affirmed.

(GOVIND MATHUR),J.

J.G.